

The MASSbuys EXPO

EXHIBITOR & PUBLIC EMPLOYEE CODE OF CONDUCT (2014)

The Operational Services Division (OSD) welcomes all who participate in the MASSbuys EXPO for a day of educational events, career development opportunities and networking and sharing among and between Statewide Contractor exhibitors ("exhibitors") and public employees. These guidelines apply to exhibitors and public employees regarding the distribution and acceptance of promotional items and other items at the MASSbuys EXPO. Attendees at MASSbuys will consist primarily of Commonwealth, county and municipal employees who are subject to specific State Ethic Commission laws and guidelines (MGL C. 268A) regarding gifts and donations, which include raffles, door prizes and promotional items.

The following general code of conduct for exhibitors and public employees applies to the MASSbuys Expo and all outreach and training events sponsored by the Operational Services Division:

- Public employees who are directly or indirectly involved in the expenditure of public funds through the state or local government procurement process, must always conduct themselves in a manner that promotes the highest ethical standards.
- Public employees shall at no time accept gifts, gratuities or other things of value from suppliers, which might influence or appear to influence procurement decisions.
- Exhibitors shall refrain from holding receptions, dinners, or other functions related to their contracts with the Commonwealth of Massachusetts that are not officially sanctioned by the Operational Services Division.
- Exhibitors shall refrain from giving gifts, gratuities or other items of value to public employees for the purpose of influencing procurement or other decisions associated with their official position.
- Exhibitors and public employees shall conduct themselves in a manner that promotes the highest ethical standards and avoids activities and behavior that would place, or even appear to place, themselves or another party in a conflict of interest.

OSD received the verbal guidance below for exhibitors and public employees from the State Ethics Commission regarding MGL C. 268A as it relates to the MASSbuys (formerly STAR) EXPO and the distribution and acceptance of gifts at the MASSbuys EXPO. The complete text of this law and related educational materials are available on the State Ethics Commission website at www.mass.gov/ethics. The guidelines from the State Ethics Commission as they apply to the MASSbuys EXPO are listed below:

EXHIBITORS:

- For official advice on giving gifts to public employees, exhibitors should consult the State Ethics Commission and go the State Ethics Commission's [Giving Gifts and Gratuities](#) webpage.
- Generally, exhibitors may distribute promotional items of nominal value to attendees (pencils, pens, coffee mugs, key chains, tote bags, etc.). However, the cumulative value of all items given to any individual public official must have a value of less than \$50.
- Exhibitors may not offer special items (even if the value is less than \$50) to any attendee as a reward or incentive for an order.
- Exhibitors may conduct raffles. The value of the prize may exceed \$50 if the drawing is random. Public employees may accept any gift from a random drawing that is entirely unrelated to official action by the public employee, and to the public employee's official position, and to the public employee's performance of official duties, from persons other than lobbyists.
- Given that OSD is the host of the MASSbuys EXPO and given the nature of business conducted between the MASSbuys Exhibitors and OSD employees, Exhibitors are asked to refrain from offering to any OSD employee any raffle prizes or anything other than the aforementioned promotional items that are available to all attendees.

PUBLIC EMPLOYEES/ATTENDEES:

- For official advice on public employees acceptance of gifts, they should consult with the State Ethics Commission and go the State Ethics Commission's [Receiving Gifts and Gratuities](#) webpage and click on the following Links to Summaries of the Conflict of Interest Law for State, County and Municipal Employees:
 - [Summary of the Conflict of Interest Law for State Employees](#)
 - [Summary of the Conflict of Interest Law for County Employees](#)
 - [Summary of the Conflict of Interest Law for Municipal Employees](#)

- Any state employees covered by the conflict of interest law may request legal advice from the State Ethics Legal Division about how the law applies to them in a particular situation. The advice is confidential in most circumstances. Advice may be requested by calling the “Attorney-of-The-Day,” or contacting them online or in writing by U.S. Mail as follows:
 - Call the “Attorney-of-The-Day”** at (617) 371-9500 or (888) 485-4766 and your call will be returned within one business day.
 - Make a [Request Online](#)** for either a telephone response or written advice. Generally telephone advice will be returned within one business day. A request for written advice is usually made within 30 days.
 - Sending a Letter Requesting an Informal Written Advisory Opinion** must include all relevant facts and specific question. You will receive an informal written advisory opinion within 30 days.
- Public Employees are also advised to review any applicable guidance issued by the Department employing them concerning acceptance of gifts.

Applicable Citations from the State Ethics Commission Website:

General Summary of the Conflict of Interest Law, Mass General Laws chapter 268A

This general summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Public employees can obtain free confidential advice about the conflict of interest law from the State Ethics Commission's Legal Division.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what public employees may do, as described below. The sections referenced below are sections of G.L. c. 268A.

On-the-job restrictions:

(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)

A bribe is anything of value corruptly received by a state employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the public employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Public employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the state position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Exemptions Applicable to MASSbuys Issued by the State Ethics Commission Related to Gifts to Public Employees:

Example: Attendance at training and educational events and conferences designed to improve the efficiencies and effectiveness of public services, or to enhance the knowledge and skills of public employees relative to their official duties;

Example: A public employee is not prohibited from accepting any reward or prize given to competitors or entrants in a random drawing in which the other competitors or entrants are public employees, including a drawing at an event where the public employee's agency paid for the employee to attend the event.

Other exemptions are listed on the [State Ethics Commission's website](#).

For additional information and guidance, please consult with the [State Ethics Commission](#). Additionally, you may contact **MASSbuys** Administration at MASSbuys@state.ma.us or at 617-720-3387 for any questions regarding this policy prior to **MASSbuys**.